IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2405 OF 2007
IN
FIRST APPEAL NO.2473 OF 2007

Shri Ajay Pratap Balaram Singh & Ors. ..Applicants.
Vs.
The Municipal Corporation of Greater Bombay ..Respondent.

Mr.R.A.Thorat, adv. for the Applicants.
Mr.A.J.Bhor, adv. for the Respondent.

CORAM : J.H.BHATIA, J.
DATE : OCTOBER 26, 2007.

P.C.:

1. The applicants claim to have made encroachment on the public land and made structure prior to 1995. According to them, the structure was demolished by the respondent/municipal corporation on 22-12-1999. The trial Court held that the structure was demolished without following the procedure of law. However, the trial Court also held that the applicants are not entitled to any accommodation as claimed by them. Their appeal is admitted. It appears that their only prayer, which needs to be considered in the appeal is whether they are entitled to alternate accommodation. The present application is filed seeking injunction restraining the Corporation from creating any third party rights or from restraining the applicants from blocking the disputed land for ingress and egress to

their residence. Admittedly, the applicants had no legal right or title over the said property. Construction was unauthorised and the applicants had made encroachment on the land. Therefore, in my considered opinion, no interim relief as claimed in the present application can be granted.

2. Application stands rejected.

[J.H.BHATIA, J.]